

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(PD).No.1416 of 2015

and

M.P.No.1 of 2015

1.Chinthamani

2.M.Sivakumar

3.M.Ravi

4.M.Desingu

... Petitioners

Vs.

L.Boja Madian

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 06.03.2015 in O.S.CFR.No.712 of 2015 in O.S.No.76 of 2008 on the file of learned District Munsif at Ootacamund.

For Petitioners : M/s.Priyanka for

M/s.R.Gouri

For Respondent : No appearance

ORDER

The present Civil Revision Petition has been filed to set aside the impugned order dated 06.03.2015 passed by the learned District Munsif, Ootacamund in O.S.CFR.No.712 of 2015 in O.S.No.76 of 2008.

2.The petitioners were the defendants in the O.S.No.76 of 2008. The said suit was filed by the respondent/plaintiff for an injunction restraining the petitioners/defendants from interfering with the peaceful possession and enjoyment of the suit schedule property.

3.Thereafter, respondent/plaintiff filed I.A.No.152 of 2008 for an interim injunction wherein an ad-interim order was granted on 30.04.2008.

4.According to the petitioners, the plaint was altered by the respondent/plaintiff by making certain correction to the suit schedule properties without seeking leave of this Court and order 6 Rule 17 of CPC for amendment.

5.The petitioners therefore filed another O.S.C.F.R.No.712 of 2015 under Section 151 of CPC, to take necessary legal action against the respondent and his son PW1 for tampering of the court documents i.e the plaint, petition and affidavit in I.A.No.152 of 2008 by illegally inserting and making correction and over writing the document to prevent the abuse of process of court, when the case was listed for arguments. The Court therefore dismissed the application.

6.The suit is of the year 2008 and the trial was completed during the beginning of January 2015. At that stage, the petitioners had filed O.S.CFR.No.712 of 2015 to scuttle the proceedings perhaps to avoid a possible adverse judgment and decree from the Trial Court.

7.I do not find any merits in the present Civil Revision Petition. In fact, the Court should have ordered cost as the application was filed at the stage when the case was to be finally argued by the petitioners.

8.I am of the view, there is no merits in the present Civil Revision Petition and it is liable to be dismissed.

9.The petitioners obtained interim stay from this Court at the time of admission in the present Civil Revision Petition. Therefore the suit is languishing though the trial is incompleted as earlier 2015.

10.It is noticed that the suit is of the year 2008 filed for a permanent injunction. The learned District Munsif, Ootacamund, the Nilgiris is directed to dispose the suit within a period of three months from the date of receipt of a copy of this order.

C.SARAVANAN, J.

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11.The present Civil Revision Petition is dismissed with the above observations. No cost. Consequently, connected Miscellaneous Petition is also closed.

08.07.2019

Index :Yes/No
Internet :Yes/No
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To

- 1.The District Munsif Court,
Ootacamund, the Nilgiris.
- 2.The Section Officer,
V.R.Section, High Court, Madras.

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